

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

John Murphy and Marybeth Murphy,

Plaintiffs,

v.

Case No. 10-11103

Citimortgage, Inc.,

Honorable Sean F. Cox

Defendant.

ORDER
DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION
OVER STATE-LAW CLAIMS

Plaintiffs filed this action on March 18, 2010, asserting federal question jurisdiction under 28 U.S.C. § 1331. Plaintiffs' complaint contains thirteen counts.

Although this Court has federal question jurisdiction over Counts I and IV, the remaining counts are based on state law.

The applicable statute regarding supplemental jurisdiction, 28 U.S.C. § 1367, provides, in pertinent part, that district courts may decline to exercise supplemental jurisdiction over a claim when:

- 1) the claim raises a novel or complex issue of State law;
- 2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction;
- 3) the district court has dismissed all claims over which it has original jurisdiction, or
- 4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c).

Having reviewed the state-law claims in Plaintiffs' complaint, this Court concludes that

Plaintiffs' state-law claims predominate. 28 U.S.C. § 1367(c)(2). In addition, the Court finds that the potential for jury confusion in this case would be great if Plaintiffs' federal claims were presented to a jury along with Plaintiffs' state-law claims. Thus, the potential for jury confusion is yet another reasons for this Court to decline to exercise supplemental jurisdiction over Plaintiffs' state-law claims. *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); *Padilla v. City of Saginaw*, 867 F.Supp. 1309 (E.D. Mich. 1994); 28 U.S.C. § 1367(c)(4).

Accordingly, the Court declines to exercise supplemental jurisdiction over Plaintiffs' state-law claims and **IT IS ORDERED** that Counts II, III, V, VI, VII, VIII, IX, X, XI , XII and XIII of Plaintiffs' Complaint are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: March 30, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 30, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager